

**BRIGHAM CITY PLANNING COMMISSION MEETING
TUESDAY, MARCH 03, 2009 – 6:30 PM
BRIGHAM CITY COUNCIL CHAMBERS**

PRESENT:	Barbara Poelman	Vice Chairperson
	Paul Fowler	Commissioner
	Larry Jensen	Alternate Commissioner
	Eve Jones	Alternate Commissioner
ALSO PRESENT:	Ruth Jensen	City Council Liaison
	Jared Johnson	Community Development Manager
	Mark Bradley	City Planner
	Eliza McGaha	Secretary
EXCUSED:	Joan Peterson	Chairperson
	Deon Dunn	Commissioner
	Roger Handy	Commissioner
	Lynda Berry	Commissioner

AGENDA:

WORK SESSION – AGENDA REVIEW

REGULAR MEETING

PLEDGE OF ALLEGIANCE

APPROVAL OF WORK SESSION MINUTES AND REGULAR MEETING MINUTES

PUBLIC COMMENT (*Per Utah Code, will receive input only, no decision can be made*) for items not listed on the agenda.

CONTINUATION OF APPLICATION #3097 / UPDATE OF CHAPTER 29.12 RESIDENTIAL AND MULTIPLE RESIDENTIAL DISTRICTS / BRIGHAM CITY CORPORATION

DISCUSSION:

APPLICATION #3100 / ANNEXATION POLICY PLAN / BRIGHAM CITY CORPORATION

REGULAR MEETING:

Barbara Poelman opened the regular meeting at ~~6:00~~ 6:30 p.m. Paul Fowler led the Pledge of Allegiance.

APPROVAL OF WORK SESSION MINUTES AND REGULAR MEETING MINUTES:

MOTION: A motion was made by Paul Fowler to approve the January 20, 2009 regular meeting minutes. The motion was seconded by Eve Jones and passed unanimously.

MOTION: A motion was made by Paul Fowler to approve the February 03, 2009 work session minutes. The motion was seconded by Larry Jensen and passed unanimously.

MOTION: A motion was made by Eve Jones to approve the February 17, 2009 work session minutes. The motion was seconded by Larry Jensen and passed unanimously.

MOTION: A motion was made by Eve Jones to approve the February 17, 2009 regular meeting minutes. The motion was seconded by Paul Fowler and passed unanimously.

PUBLIC COMMENT (*Per Utah Code, will receive input only, no decision can be made*):

There was no public comment.

CONTINUATION OF APPLICATION #3097 / UPDATE OF CHAPTER 29.12 RESIDENTIAL AND MULTIPLE RESIDENTIAL DISTRICTS / BRIGHAM CITY CORPORATION:

Mr. Bradley explained that the primary reason this item was continued was to look at the overall recreation area to see what the Planning Commission felt to be most appropriate and reasonable for developments. There was a resident from the community that came to the previous meeting and requested that they include as much area as they possibly can. The proposed language requires the first three units to have 2,000 square feet and requires each unit thereafter to have 200, 300, or 350 additional square feet, whichever choice the Commissioners feel comfortable choosing. Mr. Bradley read through the proposed language. The maximum coverage in percent for any lot in the districts regulated by this chapter is in regards to the building footprint. Parking is regulated under a different chapter and basically requires two stalls per unit. The standard being created will have to be incorporated into the dynamics of the site plan by the developer. Commissioners Poelman, Fowler and Jensen liked the option with 300 square feet per unit (option C) and Commissioner Jones liked the 200 square foot option (option B). The City Council could reduce or increase the recommended size. Mr. Jensen suggested that if modification was needed at some point it would be easier to go down in size rather than up. Ms. Jones opinion was that option C seemed restrictive, based on the comparison research data, and felt that option B left the door open for more development.

Mr. Fowler commented that, based on previous discussions as well as consideration of public input, part of the complaint is that even though some developments look nice they do not necessarily have adequate space between them and adjoining neighbors, or enough space to give the residents a place to get out of doors without being a nuisance to the neighborhood. In the case of a recent development, part of the disagreement between the neighbors could possibly have been diverted if there had been more space. If the 300 square foot option is chosen, an amendment would have to be done in order to reduce that. An appeal to the Appeal Authority would not be an option for reduction in square footage as they see cases that deal with hardships of the land which prevent property owners from having the same property rights and enjoyment of that property as neighboring property owners. Mr. Bradley cautioned that there is no magic number but they need to be careful as to not ask too much so as to not prevent a piece of ground to be turned into an economically feasible project. Ms. Poelman suggested recommending the higher square footage to the City Council and then let them decide if it should be lowered.

Mr. Bradley reviewed the list of uses. Boarding house was explained to be essentially a private hotel with up to 15 people who pay for room and board. As some cities are not allowing boarding houses and homeless shelters any longer, the attorney for the Utah League of Cities and Towns was consulted and determined that it was acceptable to not allow those uses. He continued with the review of the list of uses.

Mr. Bradley commented that transitional housing could replace the homeless shelter and provide a different level of service by providing people with a place to stay until they get back on their feet and find work in the community.

Concerning fencing, the concern should be more toward the privacy that a fence provides rather than the strength of the fencing. In commercial areas concrete fencing can help buffer sound and it is proposed to plant trees to help create a buffer. Chain-link is not considered a solid fence but is allowed in a single family residential neighborhood. Between a multifamily project and a single family use or zone, a solid fence must be installed. Mr. Jensen commented that a vinyl fence could be a possible maintenance problem with children playing and bumping into it as compared to a chain-link fence which would be low maintenance. Mr. Fowler commented that a solid fence would hide an unkempt multifamily project from the neighbors and, from an aesthetic point of view, chain-link fences with slats do not look good and they do not last. He said that things could be planned out nicely but asked what was in place, such as ordinances, to ensure that a property owner maintains their property, particularly in a commercial or multifamily establishment, and asked who would be in charge of enforcement.

Mr. Jensen commented that he had driven around and saw chain-link fences that were installed years ago and are still there today as compared to fencing designed for privacy purposes that have slats missing or holes in them and some that have been blown down from the wind. He said he understood what was trying to be done concerning privacy but thought opening a place up made it look really good. Mr. Jensen also said that he did not know if requiring solid fencing would be in the best interest for long term maintenance. Mr. Fowler said, in going back to Mr. Handy's comment from the previous meeting, that they should not get caught up in redefining what a fence is and the intent, in this instance, it is a visual barrier for privacy. He said he thought the appearance of the fence would probably come down to the land owner. He suggested reviewing, at another time, what is in place for maintenance of properties, including fences.

Concerning storage facilities, Mr. Jensen asked if there was an allowance for irregular shaped properties so they do not have to comply with some of the setbacks. Mr. Bradley replied that one could go to the Appeal Authority for a variance if the property was incredibly irregular. Mr. Jensen said he understood the intent of the ordinance but having been on the other side of that, he said he wanted to make sure people could use their property to some degree. Mr. Bradley said approval will sometimes be given to build on certain easements which would be up to the different utilities to determine.

There was an addition to the special provisions section to include a minimum 10-foot wide planting strip. Mr. Bradley said that for multifamily, the configuration of the possible different buildings cannot be dictated because there are not individual setbacks for a building unless it is an individual lot. He presented a visual example of a current multifamily project for discussion of privacy and protection of single family residential uses. Mr. Bradley suggested increasing the setback from 10 to 20-feet which would be large enough for trees including evergreens; some evergreens will not grow in a 10-foot area. He said he thought 20-feet would be a reasonable request without killing projects. He asked if they should consider fencing between multiple multifamily projects. He also asked if they should consider building separations between multifamily units because in some places a group of buildings are too close together which can be aesthetically negative and a fire hazard. He said it really should be examined because there is no standard for that and the building code could be consulted to see what could be done to be more in harmony with that. Ms. Poelman commented that she liked Mr. Bradley's idea and thought that something should be added to it in that way.

Mr. Bradley said he modified that height of the installation of an evergreen from 8-feet to 5-feet to be more practical. Mr. Fowler commented that, from his experience, he liked the 8-foot height because it takes too long for a 5-foot to grow; 8-foot seems to be reasonable. He said, in that they are not specifying the type of trees and are leaving that open to the architect, they are being very reasonable. Mr. Fowler said he finds it distasteful when there are new commercial developments that have 5-gallon

ten dollar trees which will take 10 to 15 years to take a tree form. They need something of a size that will stand up and maintain; it does not have to be an 8-foot tree. Ms. Jones commented that she was happy with the 8-foot size.

Concerning the 10-foot wide planting strip, Mr. Fowler stated that he liked the move from 10 to 20-feet and the 8-foot tree size but the idea of having a 20-foot setback or perimeter brings them to favoring option B. Ms. Jones said she liked option B and was in favor of the 20-foot planting strip. He said they probably had a consensus to adapting B and making the changes from 5 to 8-feet for trees and from 10 to 20-feet on the planting strip. He said he did not have any other issues with the rest of the draft. Mr. Jensen stated that he would still like to have a chain-link fence with slats considered solid but said he would concede to the majority. It was suggested that separation between buildings be put as a note to be looked at in the future. The group reviewed the visuals of the multifamily projects.

MOTION: A motion was made by Paul Fowler to forward application #3097 to the City Council with recommendation for approval. He referred to the draft supplied to them by Mr. Bradley and said the changes he would add to it would be on page 29.12-7, paragraph A, where it refers to the fences, the property line, the setback, or the planting strip to be changed from 10-feet to 20-feet; under trees where it refers to the height of evergreen trees to be 8-feet instead of 5-feet, the same would be true in paragraph C where it says 5-feet in height it would be changed to 8-feet in height; also in reference to all other items as laid out in the memorandum that was supplied to the Commissioners by Mark Bradley, City Planner, on February 25, 2009. The motion was seconded by Larry Jensen and passed unanimously.

Mr. Fowler commented that the space between buildings may be something they should look at another time as it may be a safety issue as Brigham City continues to develop.

DISCUSSION:

APPLICATION #3100 / ANNEXATION POLICY PLAN / BRIGHAM CITY CORPORATION:

Mr. Johnson explained that he received no written comment from any affected entities. That comment time frame ended on February 27, 2009 at 5:00 p.m. There was also no attendance in the public meeting. At this point in time it will move forward with the public hearing on March 17, 2009 and in the next meeting packet the Commissioners will have a completed Annexation Policy Plan (APP) with exhibits. Based on the comments received in the public hearing, Staff will look for direction from the Commissioners to either go back and incorporate those into the plan or recommendation to forward it to the City Council for a public hearing at that level and eventual adoption.

Mr. Fowler asked for explanation of the Corinne and Brigham City limits. Mr. Johnson explained that currently Brigham City goes to 2400 West in the County on the north side of SR-13 and on the south side all the way to the river. In that area there is an overlap with Corinne City. He said they are asking to extend all the way to the river. Currently in Corinne's APP their boundary stops at the river and does not extend over to the east side of the river and their APP goes all the way to I-15 where there is an overlap with Brigham City that actually goes to Forest Street; overlapping is allowed by State Law. It is unknown when Corinne made that amendment because Brigham City was not made aware of it. Essentially, Brigham City was not too worried about it. If there is a petition for annexation, the applicant has a right to petition either city. As it is in the APP for each city, if someone on the east side was to petition Corinne to annex into their city and if Brigham City had reason to, Brigham City could protest it and would have to show how the City could provide services better and how it would fit into the overall plan. The petitioned city has to prove they can adequately provide all the utility services. The driving force behind this update is the water and sewer lines that are going out to the Proctor & Gamble (P&G) site which is just shy of being 10-miles outside of Brigham. As those lines exit the city they head north

on 2400 West up through some fields where they then turn west and go out to the P&G site. The updating of the City's Capital Facilities Plans (CFP) is also a driving factor for this updated APP; there are seven of those plans that cover all the different utilities. In order to project projects in that area, they need to either be in the corporate limits or inside the APP of the City. The City would like to plan for some projects in that area to take care of those water and sewer lines; therefore, the APP is being amended to be able to include those plans so those lines can be taken care of. Along with the water and sewer lines, the City Council passed an ordinance that requires anyone that would like to attach to those lines to annex into the city.

Concerning the maintenance of property and fences as mentioned earlier, Mr. Johnson explained that Title 13.02 which talks about the maintenance of real property is undergoing an update and he will have Mr. Bradley bring it before the Commission so they have a chance to see it. Ms. Poelman asked if there was an ordinance that obligated a homeowner to do something with the land around a house other than let the grass die and become dirt. Mr. Johnson replied that certain things can be required such as cutting the weeds to prevent them from becoming a fire hazard; however, it becomes a sticky situation because people cannot be forced to spend money to water their grass. One of the things being worked on is required landscaping; which Brigham City has never had and which is being built into the changes. A fence that is in disrepair needs to be fixed which falls to Community Development to enforce. The Neighborhood Pride Council changed the trailer and parking section in the street ordinance which falls to the Police to enforce because it is in the public right-of-way.

MOTION: A motion was made by Larry Jensen to adjourn. The motion was seconded by Paul Fowler and passed unanimously.

The meeting adjourned at 7:53 p.m.

This certifies that the regular meeting minutes of March 03, 2009 are a true and accurate copy as approved by the Planning Commission on March 17, 2009.

Signed: _____

Jeffery R. Leishman, Secretary